

FIRE PREVENTION – CHAPTER 5

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FIRE PREVENTION – CHAPTER 5

Section

ESTABLISHING FIRE PREVENTION PROVISIONS IN INDUSTRIAL, COMMERCIAL, AND RESIDENTIAL DISTRICTS

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CHAPTER 5 - FIRE PREVENTION

Section 5-100. PURPOSE. It is the purpose of this ordinance to provide for and maintain a fire prevention bureau as authorized by the City Council.

Section 5-101. ESTABLISHMENT AND DUTIES OF BUREAU OF FIRE PREVENTION.

- a. The fire prevention code shall be enforced by the bureau of fire prevention in the fire department of the City of Brooklyn Center, which is hereby established and which shall be operated under the supervision of the chief of the fire department.
- b. The fire chief or the fire chief's designated representative shall be in charge of the bureau of fire prevention.

Section 5-102. RIGHT OF INSPECTION. The chief of the Brooklyn Center fire department or any member of the fire department designated by the fire chief as an inspector may, at reasonable hours, enter any building or premises for the purpose of making any inspection which the fire chief deems necessary to be made.

Section 5-103. INSPECTOR'S DUTIES. Whenever any such officer or inspector shall find in any building or upon any premises or other place:

- a. Combustible or explosive matter or dangerous accumulation of rubbish or unnecessary accumulation of waste paper, boxes, shavings or any highly flammable materials, and so situated as to endanger property, or
- b. shall find obstructions from any source whatsoever, including materials, articles or merchandise, to or on fire escapes, stairs, corridors, or doors, liable to interfere with the operation of the fire department, or egress of occupants, in case of fire, or
- c. shall find any condition on said premises which is so likely to cause fire as thereby to seriously endanger property or human life, or
- d. shall find at any premises a violation of any ordinance of this City or law of the State of Minnesota the continuing violation of which creates a fire hazard, then such officer or inspector shall order the same to be removed or the condition remedied.

Section 5-104. DUTY TO CORRECT HAZARDOUS CONDITIONS. Such order shall forthwith be complied with by the owner or occupant of such premises or buildings, subject to appeal within twenty-four hours to the Administrative Hearing Officer, who shall within 15 days review such order and file its decision thereon, and unless the order is revoked or modified it shall remain in full force and be obeyed by such owner or occupant. Any owner or occupant

failing to comply with such order within 10 days after said appeal shall have been determined, or if no appeal is taken, then within 10 days after the service of the said order, shall be liable to a penalty as hereinafter provided.

Section 5-105. SERVICE OF INSPECTOR'S ORDER. The service of any such order shall be made upon the occupant of the premises to whom it is directed by either delivering a true copy of same to such occupant personally or by delivering the same to and leaving it with any person in charge of the premises, or in case no such person is found upon the premises by affixing a copy thereof in a conspicuous place on the door to the entrance of the said premises. Whenever it may be necessary to serve such an order upon the owner of the premises, such order may be served either by delivering to and leaving with the said person a true copy of said order, or, if such owner is absent from the jurisdiction of the officer making the order, by mailing such copy to the owner's last known post office address.

Section 5-106. NOTICE OF HAZARDOUS CONDITION POSTED ON BUILDINGS. Whenever any building of a public nature, or which is used for commercial purposes, or for any other purpose other than a private or two-family dwelling, is found to be unsafe for any reason set out in Section 5-103, and the hazard thereof is so imminent as to place human life in immediate jeopardy, the inspecting officer shall post or place at the principal entrance of such structure a notice stating that it is in a dangerous condition; and it shall be unlawful for any person to remove such notice without his or her written permission.

If the owner or person in charge of such building or structure, when notified, shall fail to place the same in a safe condition or to adopt such emergency measures as shall have been directed within the time specified, it shall be unlawful for any person, firm or corporation to occupy or use said building or structure until it has been rendered safe.

Section 5-200. ADOPTION OF FIRE PREVENTION CODE.

- a. Purpose and Intent of Fire Regulations: It is the purpose and intent of the fire regulations to promote high standards of quality in the construction and maintenance of buildings, to improve the tax base with well-constructed and well maintained buildings, and to enhance the value and condition of property within the City of Brooklyn Center. It is not the intent of these fire regulations to provide compensation to victims of fire, to guarantee absolute compliance with all fire regulations, or to indemnify owners of private property against loss occasioned by their failure to comply with fire regulations.
- b. Adoption of Codes and Standards: There is adopted and incorporated herein by reference as an ordinance of the City:
 1. International Fire Code Adopted. The International Fire Code as promulgated by the International Code Council incorporated 2006 Edition together with Appendices B, C, D, E, F, G, and Minnesota State Fire Code

Rules and Amendments referred to as the 2007 Minnesota State Fire Code, hereby referred to as the IFC.

- c. Codes on file: The fire chief shall file one (1) copy of the International Fire Code in his or her office and a copy of the State of Minnesota Appendices and Amendments. Copies shall be kept available for public inspection.

d. Definitions:

1. Whenever the word "jurisdiction" is used in the IFC it shall mean the City of Brooklyn Center.
2. Whenever the term "corporate counsel" is used in the IFC, it shall mean the attorney for the City of Brooklyn Center.
3. Whenever the term "chief" is used in the IFC, it shall mean the chief of the Brooklyn Center fire department or his or her designated representative.

e. Amendments to the IFC:

1. If doors in fire corridors, separation walls, fire doors, or smoke barrier doors are needed to be kept open, they shall be held open by electric magnetic door holders that are controlled and released by the trip of a smoke detector or sprinkler head that covers the entire building. The approval of the fire chief is needed for this modification to a building.
- f. Minimum Standards: Whenever the IFC fails to be specific about a device or appliance, it shall have a minimum standard of being UL "Underwriter Laboratory" approved.

Section 5-201. MODIFICATIONS. The fire chief shall have power to modify any of the provisions of the fire prevention code upon application in writing by the owner or lessee, or his or her duly authorized agent, when there are practical difficulties in way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the fire chief thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

Section 5-202. NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS. No person may, without first making application for (on forms provided from the City) and obtaining a permit, maintain, store, or handle materials or conduct, process, or install equipment when a permit is required by the Minnesota State Fire Code for any such activity. A fee, periodically determined by resolution of the City Council, must be paid for each permit in accordance with the conditions set forth in the Minnesota State Fire Code. All permits

may be issued for a period of up to 1 year, but may be renewed if the applicant meets the requirements of the Minnesota State Fire Code. The Office of Fire Marshal may revoke a permit or approval issued if any violation of the Code is found upon inspection, or if there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was granted.

The City Manager, building official, fire inspector, and the chief of the fire department, and other City officials as designated by the City Manager shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, that shall require permits, in addition to those now enumerated in this Chapter. The fire chief shall post such list in a conspicuous place, upon approval or denial by the committee, and distribute copies thereof to interested persons.

- a. Appeal: Whenever the committee shall disapprove an application or refuse to grant the permit applied for, or when it is claimed that the provisions of the International Fire Code do not apply, or that the true intent and meaning of the Code has been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the committee to the Administrative Hearing Officer, within thirty (30) days of the date of the decision.
- b. Permit Fees: The fees for any permit required by this ordinance and for each annual renewal thereof, shall be established by resolution by the City Council of Brooklyn Center. All permits, unless otherwise noted, shall expire one year from the date of issuance.

Section 5-203. FIRE ALARM SYSTEMS AND SMOKE DETECTORS:

- a. Installation, inspection and maintenance of the fire alarm system or alarm device shall comply with standards in Minnesota State Fire and Building Codes, and manufacturer specifications.
- b. Whoever shall render a smoke alarm or fire alarm system inoperable by removing the battery, disconnecting, dismantling, or damaging the smoke alarm or fire alarm system in any residential rental, commercial or business unit is guilty of a misdemeanor.
- c. Special provisions for rental properties. Where battery-operated smoke alarms are allowed by code, they shall meet the following conditions:
 1. Installation. Properly installed and maintained in compliance with Minnesota State Fire and Building Codes, and manufacturer specifications.
 2. Maintenance. Maintained in an operable and good condition.
 3. Testing and Record. Be tested in accordance with manufacturer's recommendations and no less than once a month. The owner and/or owner's agent of a rental property is responsible for keeping records indicating compliance with testing and applicable codes. These records must be made available to the code official upon request.
 4. Owner Responsibility. Property owners or their owner's agent must advise tenants to notify the owner/agent about faulty, defective or inoperable smoke alarms.
 5. Tenant Responsibility. Tenants of each rental unit must give written notice to the owner or their agent within 24 hours of finding any non-functional smoke alarm. A copy of the written notice must be provided to the City's rental inspections department. Failure to notify an owner, the owner's agent or City is a petty misdemeanor. The owner or owner's agent must make any correction(s) necessary to maintain a smoke alarm(s) in compliance with applicable codes.

Section 5-204. TAMPERING WITH FIRE ALARM SYSTEM AND ISSUING FALSE ALARMS. It shall be unlawful for any person to tamper with or in any way interfere with any element of any fire alarm system within the city. It shall be likewise unlawful for any person to issue, or cause to be issued, an alarm of fire or other emergency condition when no fire or emergency condition exists.

Section 5-205. MONITORING. All fire alarm and detection systems shall be monitored by an approved central station as defined in NFPA 72. A (UL) Underwriters Laboratories Certificate in accordance with the 1999 Edition of NFPA 72, Chapter 5, shall be issued by the UL Listed contractor for all newly installed fire alarm systems in commercial occupancies. This regulation shall apply to all fire alarm systems that are newly installed in commercial occupancies for which permits are required. Any existing fire alarm system in a commercial occupancy wherein the fire alarm control panel and alarm system components are to be replaced shall be considered newly installed for the purposes of this section. Also, any existing fire alarm system where four (4) or more "faulty" false alarms (determined to be from a system malfunction) occur in a one (1) month period shall be subject to the same certification requirement as a new fire alarm system or replacement of an existing fire alarm system are required. Central station service in full compliance with the 1999 Edition of NFPA 72, Chapter 5, shall be maintained at the protected property, so long as the requirement for the fire alarm system exists.

Exception. Supervisory service is not required for:

- A. Single and multiple-station smoke alarms required by IFC Section 907.2.10.
- B. Smoke detectors in IFC Group I-3 occupancies.
- C. Automatic sprinkler systems in one and two-family dwellings.

Section 5-206. OBSTRUCTION OF FIRE HYDRANTS. No person shall park any vehicle in such a way as to obstruct a fire hydrant. The stopping or parking of a vehicle within 20 feet of a fire hydrant shall be deemed an unlawful obstruction of such hydrant.

Section 5-207. WATER OUTLETS REQUIRED. On all commercial, industrial and other nonresidential construction which is supplied with an adequate well there shall be provided a four inch outside water fitting with frost-free valve so located as to be easily accessible for connection to firefighting equipment near to an alley or road. It shall be so constructed that it can be easily operated from the outside at all times.

Section 5-208. ORDERS ESTABLISHING FIRE LANES. The bureau of fire prevention is hereby authorized to order the establishment of fire lanes on public or private property as may be necessary in order that the travel of fire equipment may not be interfered with, and that access to fire hydrants or buildings may not be blocked off. When a fire lane has been ordered to be established, it shall be marked by a sign bearing the words "No Parking—Fire Lane" or a similar message. When the fire lane is on a public property or a public right-of-way, the sign or signs shall be erected by the City, and when on private property, they shall be erected by the owner at his or her own expense within 30 days after he or she has been notified of the order. Thereafter, no person shall leave a vehicle unattended or otherwise occupy or obstruct the fire lane.

Section 5-209. INSPECTIONS OF VENTILATION SYSTEMS. Cleaning. Any persons, firms, or corporations performing ventilation system cleaning in the City of Brooklyn

Center shall, prior to ventilation system cleaning, at least five days in advance obtain a permit from the Bureau of Fire Prevention for each job and pay a permit fee as established by resolution by the City Council of Brooklyn Center. Upon completion of each job, said persons, companies, or corporations shall notify the Bureau of Fire Prevention of the completion of the job and prior to leaving the job site, allow for inspection of work by a member of the Bureau of Fire Prevention.

Section 5-210. PROHIBITED VEHICLES. It shall be illegal to park, store, or leave unattended on any street, highway, avenue, alley or parking lot within the limits of the City of Brooklyn Center any vehicle carrying flammable or combustible liquids including, but not limited to, LP or propane, or containing explosives or blasting agents, or containing hazardous material or poisonous gases. This shall not prevent a driver from transferring the product to or from the vehicle or a necessary absence from the vehicle in connection with the driver's normal duties, nor shall it prevent stops for meals. Vehicles that have become disabled due to mechanical failure must be removed within three hours.

Section 5-211. FIRES AND BARBECUES ON BALCONIES OR PATIOS. In any structure containing three or more dwelling units, no person shall kindle, maintain, or cause any fire or open flame on any balcony above ground level, or on any ground floor patio within fifteen (15) feet of the structure.

- a. Fuel Storage Prohibited: No person shall store or use any fuel, liquid or compressed gas, barbecue, torch, or other similar heating or lighting chemical or device in the locations designated in Section 5-211.
- b. Exception: Listed electric or gas-fired barbecue grills that are permanently mounted, wired, or plumbed to the building's gas supply or electrical system and that maintain a minimum clearance of 18 inches on all sides, unless listed for lesser clearances, may be installed on balconies and patios when approved by the fire chief.

Section 5-212. OPEN BURNING. Except as authorized in this section, open burning of any material is prohibited. This prohibition does not apply to burning conducted by governmental authorities who have secured permission from the fire chief or to outdoor cooking using only propane or charcoal.

Outdoor recreational or cooking fires may be permitted subject to the following requirements:

- a. All fires must be in an approved outdoor fireplace or a pit which is at least one (1) foot below grade. A pit must be located at least twenty-five (25) feet from buildings, fences, property lines or flammable materials. Pits may be no more than three (3) feet in diameter, and the outside edge shall be ringed with brick or

- rock. Commercially manufactured outdoor fire pits may be used provided they are not more than three (3) feet in diameter.
- b. Only clean dry wood may be burned. No leaves, trash, treated or painted wood, or any other materials may be burned. All burning material must be contained in the pit at all times.
 - c. Fires shall be so managed and maintained that fires do not exceed three (3) feet above the fire pit, and persons are able to stand within four (4) feet of the fire.
 - d. The fire shall be attended by an adult at all times and must be extinguished when unattended. An adequate source of water must be available at the pit for extinguishing the fire.
 - e. Prevailing wind conditions shall be less than 10 miles per hour and shall not direct smoke toward other nearby residences.
 - f. Outdoor recreational fires are permitted between the hours of 8:00 a.m. and midnight. All fires must be completely extinguished by midnight.
 - g. No recreational fire shall be permitted when the City or Minnesota Department of Natural Resources has officially declared a “burning ban” due to potential fire conditions, or when the Minnesota Pollution Control Agency has declared an air quality alert.
 - h. The fire chief is authorized to require that recreational fires be immediately extinguished if it is determined by law enforcement or the fire department that the fire constitutes a dangerous condition, or causes undue hardship on neighboring residences. Failure to comply with any provision of this Chapter or with an order of law enforcement or the fire department is a violation of this section and subject to a fine.

Section 5-213. INCIDENT CONTROL COSTS. Every person, firm, or corporation that is not a resident of the City or the owner of real property in the City subject to real property taxes, shall be liable for all incidents or preventing the spread, or extinguishing any fire caused by or resulting from his, her, or its acts, negligence, or omissions. The fire chief shall keep a record of the cost, including work done by firefighters and other City employees and equipment. The fire chief shall then bill the person, firm, or corporation liable for the fire. No license of any person, firm, or corporation liable for the expenses incurred in fire control as provided above shall be renewed if the licensee is default in payment of any bill hereunder.

Section 5-214. PENALTIES. Any person violating any provision of this ordinance shall, upon conviction, be punished by a fine not exceeding one thousand dollars (\$1,000) or imprisonment not exceeding ninety (90) days or both, together with the costs of prosecution. The hazardous condition that invoked the penalty shall be remedied within a reasonable specified time; failure to do so shall constitute a separate offense.

ESTABLISHING FIRE PREVENTION PROVISIONS IN INDUSTRIAL, COMMERCIAL, AND RESIDENTIAL DISTRICTS

Section 5-300. FIRE PREVENTION POLICY STATEMENT. It is declared to be the policy of the City of Brooklyn Center to vigorously promote the safety and welfare of its citizens. In this context, the traditional approach to fire service—suppressing fires once ignited, rescuing survivors, and too frequently exposing firefighters to physical danger and death, all at a disproportionately high community investment of resources in manpower and equipment—is declared unacceptable for Brooklyn Center. Rather, it is the fire safety policy of the City of Brooklyn Center to efficiently utilize its resources and maximize life, safety, and citizen welfare by requiring that fire prevention and extinguishing systems be built into certain new structures. Thus, the effectiveness of the Brooklyn Center fire department is enhanced and extended at a lower cost to the citizenry, life safety is allocated a priority at least as great as property protection, and the owner cost of built-in fire protection is partially or wholly repaid in savings on initial construction costs and annual fire insurance premiums.

Section 5-301. FIRE EXTINGUISHING SYSTEMS REQUIRED. Every story, basement, or cellar in every building hereafter erected in the I-1 (Industrial Park), I-2 (General Industry), C1 (Service Office), C1A (Service/Office), and C2 (Commerce) zoning districts shall have installed and be equipped with an automatic fire extinguishing system which system shall comply with provisions of the Sprinkler Standard, NFPA 13. Every story, basement, or cellar in every building exceeding three stories in height hereafter erected in any residential (R1 through R7) district shall have installed and be equipped with an automatic fire extinguishing system which system shall comply with provisions of the Sprinkler Standard, NFPA 13. The fire extinguishing system shall be connected to a central station system approved and listed by Underwriters Laboratories, Inc. and shall remain so connected and maintained during the life of the building.

Exception: Buildings having a gross floor area less than 2,000 square feet shall not be required to install a fire extinguishing system, provided each story of the building has at least 20 square feet of opening above grade in each segment of the 50 lineal feet of exterior wall on at least one side of the building.

Section 5-302. VARIANCES (ADJUSTMENTS). The procedure for obtaining a variance from the requirements of this ordinance shall be the same as set out in Section 35-240 of the ordinances of the City of Brooklyn Center.

The board of adjustments and appeals may recommend and the City Council may grant variances from the literal provisions of this ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique and distinctive to the specific property or use under consideration. The provisions of this ordinance, considered in conjunction with the unique and distinctive circumstances related to the property or uses thereof must be the proximate cause of the hardship; circumstances caused by the property owner or the applicant or a predecessor in title shall not constitute sufficient justification to grant a variance. A variance may be granted by the City Council after demonstration by evidence that all of the following qualifications are met:

1. A particular hardship to the owner would result if the strict letter of the regulations were carried out.
2. The conditions upon which the application for a variance is based are unique to the parcel of land or the use thereof for which the variance is sought and are not common, generally, to other property or uses thereof within the same zoning classification.
3. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

Section 5-303. PENALTY. Any person violating the provisions of this ordinance shall, upon conviction, be punished by a fine not exceeding one thousand dollars (\$1,000) or imprisonment not exceeding ninety (90) days or both, together with the costs of prosecution.